



Serious Crime Act 2007

2007 CHAPTER 27

PART 2

ENCOURAGING OR ASSISTING CRIME

[^{F1}Defences]

[^{F1}50A Extra-territorial offences: defence for intelligence services and armed forces

- (1) This section applies where a person is charged with an offence under this Part by reason of a provision of Schedule 4 (extra-territorial jurisdiction).
- (2) It is a defence for the person to show that their act was necessary for—
 - (a) the proper exercise of a function of an intelligence service, or
 - (b) the proper exercise of a function of the armed forces relating to intelligence.
- (3) A person is taken to have shown that their act was so necessary if—
 - (a) sufficient evidence of that fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (4) The head of each intelligence service must ensure that the service has in place arrangements designed to ensure that acts of a member of the service to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the service.
- (5) The Defence Council must ensure that the armed forces have in place arrangements designed to ensure that acts of—
 - (a) a member of the armed forces, or
 - (b) a civilian subject to service discipline when working in support of a member of the armed forces,

to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the armed forces relating to intelligence.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 50A. (See end of Document for details)

- (6) The arrangements which must be in place by virtue of subsection (4) or (5) must be arrangements which the Secretary of State considers to be satisfactory.
- (7) In this section—
- “armed forces” means His Majesty’s forces (within the meaning of the Armed Forces Act 2006);
 - “civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006;
 - “GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act 1994;
 - “head” means—
 - (a) in relation to the Security Service, the Director General of the Security Service,
 - (b) in relation to the Secret Intelligence Service, the Chief of the Secret Intelligence Service, and
 - (c) in relation to GCHQ, the Director of GCHQ;
 - “intelligence service” means the Security Service, the Secret Intelligence Service or GCHQ.]

Textual Amendments

- F1** S. 50A inserted (20.12.2023) by [National Security Act 2023 \(c. 32\)](#), ss. 30(2), 100(1) (with s. 97); S.I. 2023/1272, reg. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 50A.